



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name and Address

PINE CREEK MEDICAL CENTER
9032 HARRY HINES BLVD
DALLAS, TX 75235

Respondent Name

BITUMINOUS FIRE & MARINE INSURANCE CO

Carrier's Austin Representative Box

Box Number 19

MFDR Tracking Number

M4-11-2371-01

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Provider is requesting that CPT code 29880 be paid at 100% of OPPS payment rate in accordance with Medicare Claims Processing Manual, Chapter 4-Part B Hospital, paragraph 10.5 which states states as follows: The full amount is paid for surgical procedure with the highest weight; Fifty percent is paid for any surgical procedure(s) performed at the same time Our office submitted a request for reconsideration requesting that CPT code 29880 to be paid in full according to Medicare payment rate. Appeal was reviewed but no additional recommendation was made."

Amount in Dispute: \$2,238.98

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Carrier calculated reimbursement pursuant to a contracted rate. The applicable contract is the Texas CorCare Certified Network PPO contract. Attached is a memorandum from Monica Culpepper, Corvel Corporation, which explains the calculation methodology. The contract provides that the reimbursement is the lessor of 7% reduction from the eligible."

Response Submitted by: Bituminous c/o Flahive, Ogden & Latson, P.O. BOX 13367, Austin, TX 78711

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
December 10, 2010	Revenue Codes 250, 270, 271 and Cpt Codes 29879 and 29880	\$2,238.98	\$ 0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.305 sets forth general provisions regarding dispute of medical bills.

2. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
3. Texas Insurance Code Chapter 1305 set outs the procedures for Workers' Compensation Health Care Networks.
4. The services in dispute were reduced/denied by the respondent with the following reason codes:

Explanation of benefits dated December 28, 2010 and January 24, 2011

- 45 – Contract/Legislated Fee Arrangement Exceeded.
- B15 – Procedure/Service is not paid separately.
- RD8 – Multiple Procedure/2nd Procedure (50%).
- RT – Right Side.
- 59 – Allowance based on Multiple Surgery Guidelines.
- RD7 – Multiple Procedure/1st Procedure.
- RN – Not paid under OPPS: services included in APC rate.
- 193 – Original payment decision maintained.

Issues

1. Is the Requestor eligible for Medical Fee Dispute Resolution pursuant to 28 Texas Administrative Code §133.305 and §133.307?

Findings

1. This dispute was filed at the Texas Department of Insurance, Division of Workers' Compensation (Division), Medical Fee Dispute Resolution section on March 11, 2011 for resolution pursuant to 28 Texas Administrative Code §133.307.

28 Texas Administrative Code §133.305 (a)(4) defines a Medical Fee Dispute as "A dispute that involves an amount of payment for non-network health care rendered to an injured employee (employee) that has been determined to be medically necessary and appropriate for the treatment of that employee's compensable injury." Non-network health care is defined in Section (a)(6) of the same rule as "Health care not delivered, or arranged by a certified workers' compensation health care network as defined in Insurance Code Chapter 1305 and related rules..." 28 Texas Administrative Code §133.307 (a)(1) similarly states that "This section applies to a request for medical fee dispute resolution for non-network or certain authorized out-of-network health care..." Therefore, pursuant to 28 Texas Administrative Code §133.307, the Divisions Medical Fee Dispute Resolution section may not address fee disputes involving health care delivered, or arranged by a certified network as defined by Insurance Code Chapter 1305, but may resolve disputes involving certain authorized out-of-network health care.

Out-of-network health care is defined in Insurance Code Chapter 1305, section 1305.006 titled Insurance Carrier Liability for Out-of-Network Health Care. No documentation was found to support that the health care in dispute is authorized, out-of-network health care pursuant to Insurance Code Chapter 1305. Therefore, the dispute may not be resolved pursuant to 28 Texas Administrative Code §133.307, and Medical Fee Dispute Resolution is not the appropriate venue for resolution of the dispute filed by the requestor.

Conclusion

For the reasons stated above, the Division concludes that Medical Fee Dispute is not the appropriate venue for resolution of the issued raised by the requestor. As a result, the amount ordered is \$0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

5/10/12
Date

YOUR RIGHT TO REQUEST AN APPEAL

Either party to this medical fee dispute has a right to request an appeal. A request for hearing must be in writing and it must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party.**

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.